

TWENTY-THIRD MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER AND THE NINTH CONFERENCE OF THE PARTIES TO THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER: 21–25 NOVEMBER 2011

The twenty-third Meeting of the Parties to the Montreal Protocol (MOP 23) and the ninth Conference of the Parties to the Vienna Convention begins today in Bali, Indonesia. The preparatory segment will take place from Monday to Wednesday, and the high-level segment will convene on Thursday and Friday. During the meeting, delegates are expected to consider decisions on a range of issues, *inter alia*: replenishment of the Multilateral Fund (MLF); ozone-depleting substances (ODS) on ships; methyl bromide issues; ODS alternatives; process agents and feedstocks; destruction of ODS; and the Technology and Economic Assessment Panel (TEAP) nominations process.

A BRIEF HISTORY OF THE OZONE REGIME

Concerns that the Earth's stratospheric ozone layer could be at risk from CFCs and other anthropogenic substances were first raised in the early 1970s. At that time, scientists warned that the release of these substances into the atmosphere could deplete the ozone layer, hindering its ability to prevent harmful ultraviolet rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity and animal populations, and harm humans through higher rates of skin cancers, cataracts and weakened immune systems. In response to this growing concern, the United Nations Environment Programme (UNEP) convened a conference in March 1977 that adopted a World Plan of Action on the Ozone Layer and established a Coordinating Committee to guide future international action on ozone protection.

VIENNA CONVENTION: In May 1981, the UNEP Governing Council launched negotiations on an international agreement to protect the ozone layer and, in March 1985, the Vienna Convention for the Protection of the Ozone Layer was adopted. The Convention called for cooperation on monitoring, research and data exchange, but did not impose obligations to reduce the use of ODS. The Convention now has 196 parties.

MONTREAL PROTOCOL: In September 1987, efforts to negotiate binding obligations to reduce the use of ODS led to the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer. The Protocol introduced control measures for some CFCs and halons for developed countries (non-Article 5

parties). Developing countries (Article 5 parties) were granted a grace period allowing them to increase their ODS use before taking on commitments. The Protocol currently has 196 parties.

Since 1987, several amendments and adjustments to the Protocol have been adopted, adding new obligations and additional ODS, and adjusting existing control schedules. Amendments require ratification by a defined number of parties before they enter into force, while adjustments enter into force automatically.

LONDON AMENDMENT AND ADJUSTMENTS:

Delegates to the second Meeting of the Parties (MOP 2), which took place in London, UK, in 1990, tightened control schedules and agreed to add ten more CFCs to the list of ODS, as well as carbon tetrachloride (CTC) and methyl chloroform. To date, 196 parties have ratified the London Amendment. MOP-2 also established the MLF, which meets the incremental costs incurred by Article 5 parties in implementing the Protocol's control measures and finances clearinghouse functions, including technical assistance, information, training, and the costs of the MLF Secretariat. The Fund is replenished every three years, and has received pledges of over US\$2.8 billion since its inception.

COPENHAGEN AMENDMENT AND ADJUSTMENTS:

At MOP 4, held in Copenhagen, Denmark, in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons and HCFCs. MOP 4 also agreed to enact non-compliance procedures and to establish an Implementation Committee (ImpCom). The ImpCom examines cases of possible non-compliance by parties, and makes recommendations to the MOP aimed at securing full compliance. To date, 194 parties have ratified the Copenhagen Amendment.

MONTREAL AMENDMENT AND ADJUSTMENTS:

At MOP 9, held in Montreal, Canada, in 1997, delegates agreed to a new licensing system for the import and export of ODS, in addition to tightening existing control schedules. They also agreed to ban trade in methyl bromide with non-parties to the Copenhagen Amendment. To date, 185 parties have ratified the Montreal Amendment.

BEIJING AMENDMENT AND ADJUSTMENTS:

At MOP 11, held in Beijing, China, in 1999, delegates agreed to controls on bromochloromethane and additional controls on HCFCs, and to reporting on methyl bromide for quarantine and pre-shipment (QPS) applications. At present, 171 parties have ratified the Beijing Amendment.

MOP 15 AND FIRST EXTRAORDINARY MOP:

MOP 15, held in Nairobi, Kenya, in 2003, resulted in decisions on issues including the implications of the entry into force of

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the Beijing Amendment. However, disagreements surfaced over exemptions allowing the use of methyl bromide beyond 2004 for critical uses where no technically or economically feasible alternatives were available. Delegates could not reach agreement and agreed to convene an “extraordinary” MOP. The first Extraordinary Meeting of the Parties to the Montreal Protocol (ExMOP 1) took place in March 2004, in Montreal, Canada. Parties agreed to critical-use exemptions (CUEs) for methyl bromide for 2005 only. The introduction of a “double-cap” concept distinguishing between old and new production of methyl bromide was central to this compromise. Parties agreed to a cap on new production of 30% of parties’ 1991 baseline levels, meaning that where the capped amount was insufficient for approved critical uses in 2005, parties were required to use existing stockpiles.

MOP 16 AND EX-MOP 2: MOP 16 took place in Prague, the Czech Republic, in 2004. Work on methyl bromide exemptions for 2006 was not completed and parties decided to hold a second ExMOP. ExMOP 2 was held in July 2005, in Montreal, Canada. Parties agreed to supplementary levels of CUEs for 2006. Under this decision, parties also agreed that: CUEs allocated domestically that exceed levels permitted by the MOP must be drawn from existing stocks; methyl bromide stocks must be reported; and parties must “endeavor” to allocate CUEs to the particular use categories specified in the decision.

COP 7/MOP 17: MOP 17 was held jointly with the seventh Conference of the Parties to the Vienna Convention (COP 7) in Dakar, Senegal, in December 2005. Parties approved essential-use exemptions for 2006 and 2007, supplemental CUEs for 2006 and CUEs for 2007, and production and consumption of methyl bromide in non-Article 5 parties for laboratory and analytical critical uses. Other decisions included a US\$470.4 million replenishment of the MLF for 2006-2008, and agreement on terms of reference for a feasibility study on developing a monitoring system for the transboundary movement of controlled ODS.

MOP 18: MOP 18 took place in New Delhi, India, from 30 October - 3 November 2006. Parties adopted decisions on, *inter alia*: future work following the Ozone Secretariat’s workshop on the Special Report of the Intergovernmental Panel on Climate Change (IPCC) and the Technical and Economic Assessment Panel (TEAP); difficulties faced by some Article 5 parties manufacturing CFC-based metered dose inhalers (MDIs); treatment of stockpiled ODS relative to compliance; and a feasibility study on developing a system for monitoring the transboundary movement of ODS.

MOP 19: MOP 19 took place in Montreal, Canada in September 2007. Parties agreed to the accelerated phase-out of HCFCs, and also adopted decisions on: essential-use nominations and other issues arising out of the 2006 reports of the TEAP; critical-use nominations for methyl bromide; and monitoring transboundary movements and illegal trade in ODS.

COP 8/MOP 20: MOP 20 was held jointly with COP 8 of the Vienna Convention in Doha, Qatar in November 2008. Parties agreed to replenish the MLF with US\$490 million for 2009-2011 and adopted other decisions concerning, *inter alia*: the environmentally sound disposal of ODS; approval of 2009 and 2010 CUEs for methyl bromide; and compliance and reporting issues. This meeting was the Protocol’s first paperless meeting.

MOP 21: MOP 21 took place in Port Ghalib, Egypt, from 4-8 November 2009 and adopted decisions on: alternatives to HCFCs; institutional strengthening; essential uses; environmentally sound management of banks of ODS; methyl

bromide; budget; and data and compliance issues. Delegates considered a proposal to amend the Montreal Protocol to include HFCs, but this was not agreed.

MOP 22: MOP 22 took place in Bangkok, Thailand, from 8-12 November 2010 and adopted decisions on, *inter alia*: the terms of reference for the TEAP study on the MLF replenishment and for the evaluation of the financial mechanism; and assessment of technologies for ODS destruction. Delegates considered, but did not agree to, two proposals to amend the Montreal Protocol to address HFCs, one submitted by the US, Mexico and Canada, and another submitted by the Federated States of Micronesia.

CURRENT ODS CONTROL SCHEDULES: Under the amendments to the Montreal Protocol, non-Article 5 parties were required to phase out production and consumption of: halons by 1994; CFCs, CTC, hydrobromochlorofluorocarbons and methyl chloroform by 1996; bromochloromethane by 2002; and methyl bromide by 2005. Article 5 parties were required to phase out production and consumption of hydrobromochlorofluorocarbons by 1996 and bromochloromethane by 2002. Article 5 parties must still phase out: production and consumption of CFCs, halons and CTC by 2010; and methyl chloroform and methyl bromide by 2015. Under the accelerated phase-out of HCFC adopted at MOP 19, HCFC production and consumption by Article 2 countries was to be frozen in 2004 and phased-out by 2020, while in Article 5 parties, HCFC production and consumption is to be frozen by 2013 and phased-out by 2030 (with interim targets prior to those dates, starting in 2015 for Article 5 parties). There are exemptions to these phase-outs to allow for certain uses lacking feasible alternatives.

INTERSESSIONAL HIGHLIGHTS

OPEN-ENDED WORKING GROUP: The thirty-first meeting of the Montreal Protocol’s Open-ended Working Group (OEWG 31) convened in Montreal, Canada from 1-5 August 2011. Delegates considered several issues arising from the 2011 Progress Report of the TEAP including: a review of nominations of essential-use exemptions for 2012 and 2013; a review of nominations for methyl bromide CUEs for 2012 and 2013; and methyl bromide use for QPS. Parties also discussed the results of the TEAP Replenishment Task Force assessment of the funding requirement for the replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol (MLF) for the period 2012-2014. OEWG 31 considered two proposals to amend the Montreal Protocol related to HFCs: the first by the Federated States of Micronesia, and the second by the US, Canada and Mexico.

TEAP AND TOCs: Several of the Technical Options Committees (TOCs) met between May and October 2011 to further their work in the lead-up to MOP 23. The work of the TOCs and the Task Force are included in the TEAP’s 2011 reports, which will be considered at MOP 23.

EXECUTIVE COMMITTEE: The Executive Committee of the MLF held its sixty-fifth meeting from 14-18 November 2011 in Bali, Indonesia. The Committee approved investment projects and work programme activities including several national HCFC phase-out management plans.

IMPLEMENTATION COMMITTEE: The forty-seventh meeting of the ImpCom under the Non-Compliance Procedure convened in Bali, Indonesia, from 18-19 November 2011. The ImpCom considered information provided by the Secretariat of the MLF on relevant decisions of the MLF Executive Committee and on activities carried out by implementing agencies, and issues related to non-compliance. Its recommendations will be considered at MOP 23.